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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/880,041	06/14/2001	Tetsuya Kiyosu	040894-5673	5947

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EXAMINER

GRANT II, JEROME

ART UNIT	PAPER NUMBER
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2626

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/880,041

Applicant(s)

KIYOSU ET AL.

Examiner

Jerome Grant II

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) 26-54 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,10,13 and 22-25 is/are rejected.
- 7) ☒ Claim(s) 2,6-9,11,12 and 14-21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

JEROME GRANT II
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Detailed Action

1.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3-5, 10 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Steinberg.

With respect to claim 1, Steinberg teaches a color image processing system according to figure 1, for outputting a color image from an output unit 8 connected to a network 10, said color image processing system comprising:

A color proof generating section (color chart 2, profiling software according to para. 26) for performing color conversion processing for an original data so that a color, when the output unit specified by an instruction information specifying the output unit produces an output based on the original data becomes a target color (color chart 2

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according to line 3 para. 26) a communication section 9 inherent internal modem of computer 8, for sending file data to network 10) for transferring the original data (file described at para. 28) undergoing the color conversion processing color matching tech., see para. 26, first four lines) to the output unit specified by the instruction via network 10.

With respect to claim 3, the network is Internet 10.

With respect to claim 4, See para. 31, liens 1-7 and the keyboard of computer 8.

With respect to claim 5, the external system is camera 4, see also para. 31, line 4.

Original data is transferred in accordance with a color conversion (color chart 2). The proof generation section (color chart 2, profile software, according to para. 26) performs color conversion at said communication section 8 so that reproduction on the corresponding output unit (internal modem, may be executed) in according with an instruction received at the communication section, (either by camera 4 or keyboard of computer 8, see para. 30).

With respect to claim 10, Steinberg teaches a color proof generation means described at para. 30, which executes calibration of color alignment, according to a conversion time, (time of color conversion, see par. 31) based on a color sample output on the output unit (as output over the Internet by inherent internal modem of computer 8).

With respect to claim 13, Steinberg teaches the claimed limitations limitation according to the last 8 lines of para. 30.

2.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Steingberg.

Steinberg teaches all of the subject matter upon which the claim depends except for charging a fee for the image processing services.

While Goldstein does not explicitly address this limitation, the examiner contends that this limitation is at least suggested by the teachings of the reference.

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For example, Steinberg teaches in para. 16, that registration involves use of a password or access code. Generally, in order to register for a password or access code, one has to pay a fee for the services. The assumption is that information has to be taken from the user (registry data) and often times registry, data includes a registration fee. Once the fee has been paid, then a password or access code is assigned. Furthermore, at para. 36, A persons registers with a server or web site to get a unique account. While it is well known that accounts are given freely, one has to pay for access to retrieve certain data. The examiner opines that a fee service is at least suggested by the reference in that individuals have to register, and a fee is generally associated with any registering event. Either the person registering pays at the time of initial registration or is required to pay at a later time.

Therefore, it would have been obvious to one of ordinary skill in the art to charge a fee to access the color image processing software on the Internet, as is suggested by Steinberg, where one has to register for the services. It is well accepted business principles to pay for a service on the Internet with a credit card or other debt mechanism in order to purchase access codes, passwords, and identification for the services which are desired to be utilized.

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3.

Claims Objected As Containing Allowable Matter

Claims 2, 6-9, 11, 12, 14-21 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerome Grant II whose telephone number is 571-272-7463. The examiner can normally be reached on Mon.-Thurs. 9:00- 5:00

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A. Williams, can be reached on 571-272-7471. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JEROME GRANT II
PRIMARY EXAMINER